

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ANTHONY WALKER

§

VS.

§

CIVIL ACTION NO. 1:07-CV-898

FEDERAL BUREAU OF INVESTIGATION, §  
ET AL.

**MEMORANDUM OPINION REGARDING TRANSFER**

Plaintiff Anthony Walker, an inmate currently confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against the Federal Bureau of Investigation, Robert Casey, Jr., and Wilbur M. Gregory.

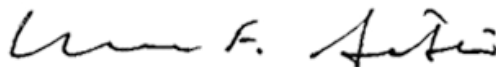
Analysis

When jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391(b) provides that venue is proper in the judicial district where the defendants reside or in which the claim arose. Venue is not proper in the Eastern District of Texas, because plaintiff alleges that the claim arose and the defendants reside in the Northern District of Texas. Under 28 U.S.C. § 1404(a), the district court may transfer a civil action to any other district where it could have been brought for the convenience of parties and witnesses and in the interest of justice. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

The court has considered the circumstances and has determined that justice would best be served by transferring this action to the district where the defendants reside. Therefore, it is the

opinion of the undersigned that this case should be transferred to the Dallas Division of the United States District Court for the Northern District of Texas. An order transferring the case to the Northern District of Texas will be entered by the undersigned.

**SIGNED** this 7 day of May, 2008.

A handwritten signature in black ink, appearing to read "Keith F. GIBLIN", written over a horizontal line.

KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE